



Docket No.: 1293.1174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Dong-seok KANG

Serial No. 09/783,560

Group Art Unit: 3621

Confirmation No. 9376

Filed: February 15, 2001

Examiner: Backer, Firmin

For: DIGITAL CONTENTS SUPERDISTRIBUTION SYSTEM AND METHOD OF
DISTRIBUTING DIGITAL CONTENTS

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed June 16, 2003.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner states, inter alia:

Applicant's invention is novel and innovative in the sense that it provide[s] a digital contents superdistribution system and a method of distributing digital contents which allow a person who legally

receives a download of digital contents to distribute the downloaded contents and to be offered a predetermined portion of profits resulting from distribution of the downloaded contents.

The Applicants respectfully note that claim 1 never mentions whether or not a person "legally receives a download of digital contents." Rather claim 1 recites:

accessing by a first user a server providing digital contents download services via a first communication network to make payment for digital contents on the server, and receiving a download of the digital contents on which a security code is set;
after the first user makes the payment to the server, distributing the downloaded digital contents from the first user to a second user;
if the distributed digital contents are executed on the second user's computer, accessing the server automatically via the first or another communication network; and
after the server is accessed and payment for the distributed digital contents is made by the second user, offering a predetermined compensation via the server to the first user who received the downloaded digital contents.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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Date: Aug. 28, 2006

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